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Attorney for Defendant
BILLY JOHNSON

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. Cr. S 95-89 LKK
)	
Plaintiff,)	STIPULATION TO REDUCE SENTENCE
)	PURSUANT TO 18 U.S.C. § 3582(c)(2)
v.)	and ORDER
)	
BILLY JOHNSON,)	<u>RETROACTIVE CRACK COCAINE REDUCTION</u>
)	<u>CASE</u>
Defendant.)	Date: June 3, 2008
)	Time: 9:30 a.m.
_____)	Judge: Hon. LAWRENCE K. KARLTON

Defendant, BILLY JOHNSON, by and through his attorney, Assistant Federal Defender David M. Porter, and plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Assistant U.S. Attorney SAMANTHA S. SPANGLER, hereby stipulate as follows:

1. Pursuant to 18 U.S.C. § 3582(c)(2), this court may reduce the term of imprisonment in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. § 994(o);

2. The sentencing range applicable to Mr. Johnson was subsequently lowered by the United States Sentencing Commission in Amendment 706 by two levels;

3. Accordingly, the base offense level for count one is lowered from 32 to 30, and after the two-level reduction for acceptance of responsibility, the total offense level is 28, and a sentence for count one at the low end of the new guideline range would be 140 months;

4. Mr. Johnson merits a reduction in his sentence based on the factors listed in 18 U.S.C. § 3553(a);

5. Accordingly, the parties request the court enter the order lodged herewith reducing Mr. Johnson's term of imprisonment to an aggregate term of 200 months on all counts, comprised of a term of 140 months on count one, a term of 120 months on count three, to run concurrent to count one, and 60 months on count two to run consecutive to counts one and three to the extent necessary to produce a total term of 200 months.

Dated: May 6, 2008

Respectfully submitted,

McGREGOR SCOTT
United States Attorney

DANIEL J. BRODERICK
Federal Defender

/s/ Samantha S. Spangler
SAMANTHA S. SPANGLER
Assistant U.S. Attorney

/s/ David M. Porter
DAVID M. PORTER
Assistant Federal Defender

Attorney for Plaintiff
UNITED STATES OF AMERICA

Attorney for Movant
BILLY JOHNSON

ORDER

This matter came before the Court on the motion of the defendant for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) filed on April 16, 2008. The motion was set for hearing on June 3, 2008, but because the parties have stipulated to the resolution, the matter is taken off calendar.

STIPULATION AND ORDER TO REDUCE SENTENCE


1 The parties agree, and the Court finds, that Mr. Johnson is
2 entitled to the benefit of the retroactive amendment reducing crack
3 cocaine penalties, which reduces the applicable base offense level from
4 32 to 30. After the two-level reduction for acceptance of
5 responsibility, the total offense level is 28, and a sentence for count
6 one at the low end of the new guideline range would be 140 months.

7 IT IS HEREBY ORDERED that the term of imprisonment originally
8 imposed is reduced to 200 months, comprised as follows: a term of 140
9 months on count one, a term of 120 months on count three, to run
10 concurrent to count one, and 60 months on count two to run consecutive
11 to counts one and three to the extent necessary to produce a total term
12 of 200 months;

13 IT IS FURTHER ORDERED that all other terms and provisions of the
14 original judgment remain in effect.

15 Unless otherwise ordered, Mr. Johnson shall report to the United
16 States Probation office closest to the release destination within
17 seventy-two hours after his release.

18 Dated: May 8, 2008

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22 LAWRENCE K. KARLTON
23 SENIOR JUDGE
24 UNITED STATES DISTRICT COURT
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